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CAMPBELL STEPHENSON ASCOLESE, LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,932

Applicant(s)

FOLTAK ET AL.

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02112005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1-66 are currently presented and have been examined.

Response to Arguments

Applicant's arguments filed 11 February 2005 have been fully considered but they are not persuasive.

The Applicant argues that RFC 2866 does not teach or suggest providing a session identifier to an off load server. The Applicant also argues that the Examiner has mistakenly equated a forwarding server with an off load server. The specification of the instant application discloses:

"As such, the term "off-load" server will be understood to be any device that is capable of establishing a network connection using PPP or any other known protocol." (page 10, lines 27-29)

"For example, the off-load server 200 can be any device that provides PPP service or provides any other communication protocol service." (page 17, lines 12-13)

Therefore, in view of the disclosures of the specification which define the claimed invention and the Examiner's broadest reasonable interpretation of the claim language as required by MPEP 2111, the specification defines an "off-load" server as any device that is capable of establishing a network connection using any known protocol. This definition encompasses the forwarding

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server as described in RFC 2866. In an alternative embodiment of RFC 2866, the claim may also be interpreted wherein a session identifier is provided to an accounting server by the Network Access Server which also falls within the specification's definition of an "off load" server (section 2 "Operation", specifically "The Accounting-Request...is submitted to the RADIUS accounting server via the network. It is recommended that the client continue attempting to send the Accounting-Request packet until it receives an acknowledgement, using some form of backoff.").

Therefore, RFC 2866 does disclose an off-load server and teaches providing a session identifier to an off-load server as claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6-9, 19-21, 28, 30, 33-36, 46, 48, 51-54, and 64-66 are rejected under 35 U.S.C. 102(b) as being anticipated by "Request for Comments 2866: RADIUS Accounting" ("RFC 2866").

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Regarding claim 1, "RFC 2866" discloses a method for maintaining a common session identifier in a network, comprising:

providing a session identifier to an off-load server ("forwarding server"). (pages 9, section 2.3, "Proxy", specifically "1. The NAS sends an accounting-request to the forwarding server"; pages 15-16, section 5.5, "Acct-Session-Id", specifically "An Accounting-Request packet MUST have an Acct-Session-Id")

Regarding claim 3, "RFC 2866" discloses the method recited in Claim 1, wherein providing the session identifier further comprises providing the session identifier in a session setup request ("Accounting Request" or "Accounting Start"). (page 4, section 2. "Operation", specifically "When a client is configured to use RADIUS accounting, at the start of service delivery it will generate an Accounting start packet...")

Regarding claim 6, "RFC 2866" discloses the method recited in Claim 1, further comprising associating a start record with the session identifier. (page 4, section 2. "Operation", specifically "When a client is configured to use RADIUS accounting, at the start of service delivery it will generate an Accounting start packet...")

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Regarding claim 7, "RFC 2866" discloses the method recited in Claim 6, further comprising providing the start record to a software module ("RADIUS Accounting server") that provides for performing accounting processing. (page 4, section 2.

"Operation", specifically "When a client is configured to use RADIUS accounting, at the start of service delivery it will generate an Accounting start packet...and will send that to the RADIUS Accounting server...")

Regarding claim 8, "RFC 2866" discloses the method recited in Claim 1, further comprising associating a stop record with the session identifier. (page 4, section 2. "Operation", specifically "At the end of service delivery the client will generate an Accounting Stop packet...")

Regarding claim 9, "RFC 2866" discloses the method recited in Claim 8, further comprising providing the stop record to a software module that provides for performing accounting processing. (page 4, section 2. "Operation", specifically "At the end of service delivery the client will generate an Accounting Stop packet...It will send [the packet] to the RADIUS Accounting server...")

Regarding claim 19, "RFC 2866" discloses a system, comprising:

a network access server, wherein the network access server

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is configured to generate a session identifier, the network access server being further configured to provide the session identifier to an off load server. (page 9, section 2.3, "Proxy", specifically "1. The NAS sends an accounting-request to the forwarding server"; pages 15-16, section 5.5, "Acct-Session-Id", specifically "An Accounting-Request packet MUST have an Acct-Session-Id")

Regarding claim 20, "RFC 2866" discloses the system recited in Claim 19, further comprising:

an off-load server ("forwarding server"), the off-load server being coupled to receive the session identifier from the network access server. (page 9, section 2.3, "Proxy", specifically "1. The NAS sends an accounting-request to the forwarding server"; pages 15-16, section 5.5, "Acct-Session-Id", specifically "An Accounting-Request packet MUST have an Acct-Session-Id")

Regarding claim 21, "RFC 2866" discloses the system recited in Claim 19, further comprising a software module that is configured to perform authentication, the software module being further configured to receive the session identifier from the network access server. (pages 8-9, section 2.3, "Proxy", specifically on page 8, "one RADIUS server receives and authentication (or accounting) request..." and on page 9, "A

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RADIUS server can function as both a forwarding server and a remote server..."1. The NAS sends an accounting-request to the forwarding server", "2. The forwarding server forwards the access request to the remote server.")

Claims 28, 30, and 33-36 are also rejected since these claims recite an apparatus that contain substantially the same limitations as recited in claims 1, 3, and 6-9 respectively.

Claims 46, 48, and 51-54 are also rejected since these claims recite a computer program product that contain substantially the same limitations as recited in claims 1, 3, and 6-9 respectively.

1. Claims 10-12, 37-39, and 55-57 are rejected under 35 U.S.C. 102(b) as being anticipated by "Request for Comments 2867: RADIUS Accounting Modifications for Tunnel Protocol Support" ("RFC 2867")

Regarding claim 10, "RFC 2867" discloses a method for maintaining a common session identifier in a network, comprising:

determining whether the session identifier value is provided by an access server ("NAS") (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name..."); and

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assigning, if the session identifier value is not provided by the access server, the session identifier value. (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name..."; page 7, section 4.1, "Acct-Tunnel-Connection", specifically "It SHOULD be included in Accounting-Request packets which contain an Acct-Status-Type attribute having the value Start...or any of the values described above. This attribute...may be used to provide a means to uniquely identify a tunnel session for auditing purposes")

Regarding claim 11, "RFC 2867" discloses the method recited in Claim 10, further comprising:

inspecting a parameter list ("String") for the session identifier value. (page 7, section 4.1, "Acct-Tunnel-Connection", specifically the paragraph denoted "String")

Regarding claim 12, "RFC 2867" discloses the method recited in Claim 10, wherein:

determining whether the session identifier value is provided by the access server further comprises determining whether the session identifier value is contained within a non-required parameter string provided by the access server. (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name...")

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Regarding claim 12, "RFC 2867" discloses the method recited in Claim 10, wherein determining whether the session identifier value is provided by the access server further comprises determining whether the session identifier value is contained within a non-required parameter string provided by the access server (page 7, section 4.1, "Acct-Tunnel-Connection", specifically the paragraph denoted "String").

Claims 37-39 and 55-57 are also rejected since these claims recite an apparatus and a computer program product which contain substantially the same limitations as recited in claims 10-12 respectively.

Regarding claim 64, "RFC 2866" discloses the method of claim 64.

"RFC 2866" does not expressly disclose wherein the off-load server provides one of Point-to-Point Protocol (PPP), Serial Line Internet Protocol (SLIP), Multipoint Point-to-Point Protocol, and PPP over Ethernet (PPPoE) service to the network access server. (section 1 "Introduction", specifically "A Network Access Server (NAS) operates as a client to the RADIUS Accounting server"; "section 1.2 "Terminology", specifically "The NAS provides a service...such as PPP"; section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will

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generate an Accounting Start packet describing the type of service being delivered and the user it is being delivered to, and will send that to the RADIUS Accounting server, which will send back an acknowledgement that the packet has been received.")

Regarding claim 65, "RFC 2866" discloses the method of claim 64, further comprising assigning the session identifier to a call, prior to providing the session identifier to the off-load server, and sending an access request to an Authentication, Authorization, and Accounting server, wherein the access request comprises the session identifier and a Dialed Number Identification Service (DNIS) number associated with the call (section 5.13 "Table of Attributes", specifically "The following table provides a guide to which attributes may be found in Accounting-Request packets...Acct-Session-ID...Called-Station-ID"), and the assigning, the providing, and the sending are performed by a network access server (section 4.1 "Accounting-Request", specifically "Accounting-Request packets are sent from a client (typically a Network Access Server...) to a RADIUS accounting server...").

Regarding claim 66, "RFC 2866" discloses the method of claim 65, further comprising sending a second access request from the off-load service to the AAA server, wherein the second

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access request comprises the session identifier and username associated with the call. (section 4.1 "Accounting-Request", specifically "Accounting-Request packets are sent from a client (typically a Network Access Server...) to a RADIUS accounting server..."; section 5.13 "Table of Attributes", specifically "The following table provides a guide to which attributes may be found in Accounting-Request packets...Acct-Session-ID...User-Name...Called-Station-Id")

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2, 4-5, 29, 31-32, 47, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over "RFC 2866" in view of "RFC 2867".

Regarding claim 2, "RFC 2866" discloses the method recited in Claim 1.

"RFC 2866" does not expressly disclose wherein providing the session identifier further comprises providing the session identifier as a non-required parameter in accordance with a tunnel protocol, however, "RFC 2866" does disclose providing the session identifier as shown above.

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"RFC 2867" discloses providing the session identifier as a non-required parameter in accordance with a tunnel protocol (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name...")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of both references since "RFC 2867" expressly discloses that the disclosures within are an improvement over the teachings of "RFC 2866" in that "RFC 2867" enables the support of tunneling protocols used in the teachings of "RFC 2866" (page 1, section Abstract). Therefore, one of ordinary skill would have appreciated the specific advantages that "RFC 2867" provides to the teachings of "RFC 2866" and would have been motivated to combine the teachings of the references.

Regarding claim 4, "RFC 2866" discloses the method recited in Claim 1.

"RFC 2866" does not expressly disclose determining whether the session identifier is provided as a non-required parameter in accordance with a tunnel protocol, however, "RFC 2867" does disclose these limitations (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name...")

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Claim 4 is rejected since the motivations regarding the obviousness of claim 2 also apply to claim 4.

Regarding claim 5, "RFC 2866" and "RFC 2867" disclose the method recited in Claim 4.

"RFC 2866" does not expressly disclose assigning, if the session identifier is not provided, a session identifier, however, "RFC 2867" does disclose this limitation (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name..."; page 7, section 4.1, "Acct-Tunnel-Connection", specifically "It SHOULD be included in Accounting-Request packets which contain an Acct-Status-Type attribute having the value Start...or any of the values described above. This attribute...may be used to provide a means to uniquely identify a tunnel session for auditing purposes")

Claim 5 is rejected since the motivations regarding the obviousness of claim 2 also apply to claim 5.

Claims 29 and 31-32 are also rejected since these claims recite an apparatus that contain substantially the same limitations as recited in claims 2 and 4-5 respectively.

Claims 47 and 49-50 are also rejected since these claims recite a computer program product that contain substantially the same limitations as recited in claims 2 and 4-5 respectively.

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3. Claims 13-18, 22, 40-45, and 58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over "RFC 2867" in view of "RFC 2866".

Regarding claim 13, "RFC 2867" discloses the method recited in Claim 10.

"RFC 2867" does not expressly disclose associating a start record with the session identifier, however, "RFC 2867" does disclose providing the session identifier to an access server (page 2, section 2, "Implementation Notes", the paragraph beginning "In auditing, the User-Name...", specifically "Accounting Request").

"RFC 2866" discloses associating a start record with the session identifier (page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS accounting, at the start of service delivery it will generate an Accounting start packet...").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of both references since "RFC 2867" discloses that "RFC 2866" contains teachings that are contemplated to be combined with the teachings of "RFC 2867" (page 1, Abstract). Therefore, one of ordinary skill would have been motivated to combine the teachings of the references since both references, based on the

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express reference made by "RFC 2867" to "RFC 2866" and based on their use of the RADIUS method, would be considered to be analogous art based on their related fields of endeavor and equivalents useful for the same purpose. See MPEP 2141.01(a) and 2144.06.

Regarding claim 14, "RFC 2867" and "RFC 2866" disclose the method recited in Claim 13.

"RFC 2867" does not expressly disclose providing the start record to a software module that provides for performing accounting processing, however, "RFC 2866" does disclose this limitation (page 4, section 2. "Operation", specifically "When a client is configured to use RADIUS accounting, at the start of service delivery it will generate an Accounting start packet...and will send that to the RADIUS Accounting server...").

Claim 14 is rejected since the motivations regarding the obviousness of claim 13 also apply to claim 14.

Regarding claim 15, "RFC 2867" and "RFC 2866" disclose the method recited in Claim 10.

"RFC 2867" does not expressly disclose associating a stop record with the session identifier, however, "RFC 2866" does disclose this limitation (page 4, section 2. "Operation",

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specifically "At the end of service delivery the client will generate an Accounting Stop packet...").

Claim 15 is rejected since the motivations regarding the obviousness of claim 13 also apply to claim 15.

Regarding claim 16, "RFC 2867" and "RFC 2866" discloses the method recited in Claim 15.

"RFC 2867" does not expressly disclose providing the stop record to a software module that provides for performing accounting processing, however, "RFC 2866" does disclose this limitation (page 4, section 2. "Operation", specifically "At the end of service delivery the client will generate an Accounting Stop packet...It will send [the packet] to the RADIUS Accounting server...")

Claim 16 is rejected since the motivations regarding the obviousness of claim 13 also apply to claim 16.

Regarding claim 17, "RFC 2867" and "RFC 2866" disclose the method recited in Claim 10.

"RFC 2867" does not expressly disclose providing the session identifier from the access server to an off-load server, however, "RFC 2866" does disclose this limitation (page 9, section 2.3, "Proxy", specifically "1. The NAS sends an accounting-request to the forwarding server"; pages 15-16, section 5.5, "Acct-Session-Id", specifically "An Accounting-

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Request packet MUST have an Acct-Session-Id").

Claim 17 is rejected since the motivations regarding the obviousness of claim 13 also apply to claim 17.

Regarding claim 18, "RFC 2867" and "RFC 2866" disclose the method recited in Claim 17.

"RFC 2867" discloses wherein providing the session identifier further comprises providing the session identifier as a non-required parameter in accordance with a tunnel protocol. (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name...")

Regarding claim 22, "RFC 2866" discloses the system recited in Claim 19.

"RFC 2866" does not expressly disclose wherein the network access server is further configured to provide the session in a non-required parameter list according to a tunnel protocol, however, "RFC 2867" does disclose these limitations (page 2, section 2, "Implementation Notes", specifically the paragraph beginning "In auditing, the User-Name...")

Claim 22 is rejected since the motivations regarding the obviousness of claim 2 also apply to claim 22.

Claims 40-45 and 58-63 are also rejected since these claims recite an apparatus and computer program product that contain substantially the same limitations as recited in claims 13-18.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6 061 650 to Malkin et al;

US Patent 6 219 790 to Lloyd et al;

US Patent 6 298 383 to Gutman et al;

US Patent 6 836 765 to Sussman.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The


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examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BUNJOB JAROENCHONWANT
PRIMARY EXAMINER